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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sudhir Diddee

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EXAMINER

MANSFIELD, THOMAS L

ART UNIT

PAPER NUMBER

3624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/747,632	Applicant(s) DIDDEE ET AL.	
	Examiner THOMAS MANSFIELD	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9, 12-19, 21-23, 26, 27, 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12-19, 21-23, 26, 27, 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. This Continued Examination Office Action is in reply to the Request for Continued Examination filed on 9 April 2009.
2. Claims 1, 15, and 26 have been amended.
3. Claims 10, 11, 24, 29, and 30 have been cancelled.
4. Claims 1-6, 8, 9, 12-19, 21-23, 26, 27, and 31 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 April 2009 has been entered.

Response to Amendment

6. The objection to Claim 29 in the previous office action for a mis-spelled word is moot due to Applicant's cancellation of Claim 29.

Response to Arguments

7. Applicant's arguments filed 9 February 2009 have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claims 1-6, 8, 9, 12-19, 21-23, 26, 27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abelow (U.S. 5,999,908) in view of Bair et al. (Bair) (U.S. 6,108,665).

With regard to Claims 1, 15, and 26, Abelow teaches *a computer-implemented method, survey service provider* (Customer Design System (CDS), Customer-Based Product Design Module (CB-PD Module), Customer Design

Art Unit: 3624

Instrument (CDI), Aggregate Customer Desires (ACD)), *and computer-readable medium (software) for providing/collecting survey information (entered into an Aggregate Customers Desires (ACD) database) from a user of a computer network (Network) (see at least columns 9, lines 46-55 and column 17, line 32 through column 18, line 65), the method comprising:*

- *providing, over a computer network (network, interactive networking invention), a survey/query form/service/template to a recipient (Customer Probes (CP) are the prompts, questions, etc. stored in a CB-PD Module for interacting with a Customer, Development Interactions (DI) may be conducted by a variety of means that may include communications from the Customer Directed Product (CDP) to the Customer, provide an on-line database of unbiased and objectively worked Customer Probes (CP)), wherein the survey/query form contains survey/query configuration tools (Interactive evaluations, Electronic Suggestion Pad (ESP)) including a plurality of controls that are selectively manipulatable (a button, function key) so as to dictate a content, order and method of answering (Development Interaction (DI) with the Customer, recite a reply into the microphone, the key to press after finishing the reply) at least some survey questions to be included in a dynamic survey query (Vendor Initiated Interactions (VII), product Development Interactions (DI)) (see at least column 11, lines 1-9, column 16, lines 22-24, column 24 lines 52-58, column 25, lines 5-53,*

column 30, lines 41-65, and column 32, lines 1-64 and Figures 2-5, 24).

- *receiving, over the computer network, query configuration data from the recipient (Customer), wherein the query configuration data is indicative of how the dynamic survey query configuration data should be formatted in order to be consistent with manipulation of the plurality of controls (triggers) by the recipient (Customer recite a reply, By what the Customer Probes (CP) test for **780**, **784** with groupings for interactions, An example trigger might be the completion of product installation) (see at least column 25, lines 5-19, column 26, lines 7-34 and column 28, lines 3-46, and column 29, lines 28-53 [an example of trigger responses] and Figures 14, 25).*
- *providing, over the computer network, the dynamic survey query to the user (vendor, Product user, user), wherein the dynamic survey query is formatted so as to be consistent with manipulation of the plurality of controls by the recipient, and wherein the dynamic survey query is configured to request structured responses from the user (see at least column 32, lines 1-65).*
- *receiving the structured responses from the user (Problem Reports (PR), Analysis System) (see at least column 40, line 1 through column 41, line 18 and Figure 30B).*

- *generating an electronic message to the recipient (customer) indicating that the structured responses have been received, and including the structured responses (appropriate message is sent to the customer) (see at least column 40, line 56 through column 41, line 18 and Figures 27A-B).*

Abelow generally, but not specifically, teaches *wherein receiving configuration data comprises receiving query branching indicative of an order in which questions in the query/pre-configured survey template are displayed to the user based on answers to the questions in the dynamic survey query (Development Interaction), wherein the query branching data directly reflects manipulation, by the recipient, of the plurality of controls (indicated by recording yes or no in the data file, or by a code) (see at least column 51, line 31 through column 52, line 57 and Figure 27B), wherein the query branching data is configured to dynamically (specific trigger event) change which questions are presented to the user based on the user's answers to previous questions/wherein the tools for altering include tools for altering which question is presented next based on an answer to a previous question (analyzed based on the type of question asked) in the dynamic survey query (see at least column 51, line 31 through column 52, line 57 and Figure 27B).* Bair specifically teaches *wherein receiving configuration data comprises receiving query branching (user-defined branching within a questionnaire, questionnaire template 66) (see at least column*

Art Unit: 3624

2, lines 65-67) *indicative of an order in which questions in the query/pre-configured survey template are displayed to the user based on answers to the questions in the dynamic survey query (questionnaire, custom guided-entry pattern), wherein the query branching data directly reflects manipulation, by the recipient, of the plurality of controls (questionnaire template **66**, scrollable list **662** of question topics) (see at least column 51, line 31 through column 52, line 57 and Figure 27B), wherein the query branching data is configured to dynamically change which questions are presented to the user based on the user's answers to previous questions/ wherein the tools for altering include tools for altering which question is presented next based on an answer to a previous question (custom-guided entry pattern, wherein the answer to a question determines whether the next question in sequence is asked) in the dynamic survey query (see at least column 11, line 54 through column 13, line 45) in analogous art of health care collection for the purposes of, "if the patient has no history of alcohol abuse, the alcohol-related questions will be skipped" (see at least column 13, lines 8-13.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the health care collection method as taught by Bair with the customer-based product design module method of Abelow. One of ordinary skill in the art would have been motivated to do so for the benefit of automatically maintaining questions related to previous answers during completion of a questionnaire (Bair, column 13, lines 8-13).

With regard to Claims 2, 19, and 27, Abelow teaches *automatically integrating the structured responses into a pre-identified application hosted by the recipient* (Pre-use Probes, On-task Probes) (see at least column 37, line 21 through column 38, line 36).

With regard to Claim 3, Abelow teaches:

- *receiving a contact indication from the user* (the CB-PD Module request the Customer's participation in a Development Interaction (DI)) (see at least column 17, lines 56-60).
- *providing the dynamic survey query to the user in response to the contact indication* (If the Customer agrees, a Development Interaction is performed, delivered to the Vendor) (see at least column 17, lines 56-66).

With regard to Claim 4, Abelow teaches *providing content over the computer network for display to the user* (display them and record the Customer's answers) (see at least column 27, lines 33-49).

With regard to Claims 5 and 16, Abelow teaches *providing a contact link* (Multi-direction Communications, communications link) *in the content* (provide

the representative of the first party with a contact list comprising contact information) (see at least column 42, lines 40-53).

With regard to Claim 6 and 17, Abelow teaches *receiving an indication that the user has activated the contact link* (When the Customer initiates it a menu is displayed **284** with the communications feature) (see at least column 42, lines 60-66).

With regard to Claims 8 and 21, Abelow teaches *receiving query definition data indicative of a content of questions* (assess the ongoing value of the product) *in the dynamic survey query* (Benchmarking Probes) *wherein the query definition data directly reflects manipulation, by the recipient, of the plurality of controls* (with Customers who are using “demonstration units” to test the Vendor’s products) (see at least column 42, lines 16-39 and Figure 27B).

With regard to Claims 9 and 22, Abelow teaches *receiving query definition data indicative of non-content* (Usability testing) *configuration of questions in the dynamic survey query, wherein query definition data directly reflects manipulation, by the recipient, of the plurality of controls* (see at least column 45, lines 52-57).

Art Unit: 3624

With regard to Claims 12 and 31, Abelow teaches *providing a pre-configured query template for modification by the recipient* (may enter additional important reasons for the reply which were not provided on the list, You just used Undo) (see at least column 51, lines 34-60 and Figure 27B).

With regard to Claim 13, Abelow teaches *generating a report based on the structured responses* (Problem Reports, Analysis System) (see at least column 40, lines 16-30 and Figure 30B).

With regard to Claim 14, Abelow teaches *indicating how many times the dynamic survey query has submitted by the user* (Diary logs, Count the number of times a Customer uses a Customer Directed Product) (see at least column 39, lines 44-53 and Figure 29B).

With regard to Claim 18, Abelow teaches *wherein the survey service component provides the electronic message (message) as an electronic mail message and the user responses as an attachment to the electronic mail message* (E-mail system) (see at least column 43, lines 5-16 and Figure 31B).

With regard to Claim 23, Abelow generally, but not specifically, teaches *wherein the tools for altering include tools for altering an order in which questions in the pre-configured survey are displayed to the user* (see at least column 51, line 39 through column 52, line 57 and FIG. 27B). Bair specifically teaches

Art Unit: 3624

wherein the tools for altering include tools for altering an order in which questions in the pre-configured survey are displayed (Select Questions screen 68) to the user (custom-guided entry pattern, wherein the answer to a question determines whether the next question in sequence is asked) in analogous art of health care collection for the purposes of, "if the patient has no history of alcohol abuse, the alcohol-related questions will be skipped" (see at least column 13, lines 8-13 and FIG. 21.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the health care collection method as taught by Bair with the customer-based product design module method of Abelow. One of ordinary skill in the art would have been motivated to do so for the benefit of automatically maintaining questions related to previous answers during completion of a questionnaire (Bair, column 13, lines 8-13).

Conclusion

10. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Kraus (U.S. 7,415,663) discloses an advanced logic controller that deploys user customized logic in the administration of questionnaires.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is

Art Unit: 3624

(571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./

Examiner, Art Unit 3624

29 June 2009

Thomas Mansfield

/Romain Jeanty/

Primary Examiner, Art Unit 3624